

M. MATHSON S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS OAKLEY, LUCIANO ABBATIELLO,
STEVE ACIERNO, RON ADDEO, THOMAS BARRY,
ALYSON BRADLEY, CHARLES BRADY, MARCEL
CABRERA, JOSEPH CARBALLO, MATTHEW
CHRISTIE, LAUREN COLCLOUGH, AILEEN
CORNIELLE, MIKE DOWD, PAUL DUNN, LATONIA
EPPERSON, JULIET FOUNTAIN, GAVIN FRATER,
BRENDA FRITCHY, NILSA GREENE, ADRIANE
GRZYBOWSKI, ELAINE HENDERSON, GEORGE
HOLMAN, KEVIN KAER, KELLY LEE, JEFFREY
LEROY, DENISE LOPEZ, ANGELA LUCAS, MARY
MARTINI, CHRISTOPHER MCCARTHY, DENNIS
MCGEE, NOEL MELENDEZ, ED MIDDENDORF,
DEBBIE MONROE, LAURA NUSS, DAMIAN PARRA,
RAY PEAY, KIMBERLY PEREIRA, MICHELLE PROCK,
PAM REINHEIMER, DAISY RIVERA, ANTHONY
SICURANZO, MARCHELLE SMITH, CHARLES
SPINALE, TAMMI TERRELL, JAMES TREADWAY,
MINDY VEGA, LORRIS WATSON, JUDITH
WHIGHAM, and ADRAINE WHITNEY, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

VERIZON COMMUNICATIONS, INC., VERIZON
WASHINGTON, DC INC., VERIZON SOUTH INC.,
VERIZON DELAWARE LLC, VERIZON AVENUE CORP.:
(D/B/A VERIZON ENHANCED COMMUNITIES),
VERIZON PENNSYLVANIA INC., VERIZON NEW
ENGLAND INC., VERIZON NEW JERSEY INC.,
VERIZON SELECT SERVICES INC., VERIZON
TELEPRODUCTS CORP., VERIZON CONNECTED
SOLUTIONS INC., VERIZON NEW YORK INC., EMPIRE:
CITY SUBWAY COMPANY (LIMITED), VERIZON
MARYLAND INC., VERIZON VIRGINIA INC.,
VERIZON WEST VIRGINIA INC., VERIZON SERVICES
CORP., VERIZON CORPORATE SERVICES CORP.,

Defendants.

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ECF CASE

09 Civ. 9175 (CM-MHD)

STIPULATION AND ORDER

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| USDS SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: _____ |
| DATE FILED: <u>6/23/11</u> |

Plaintiffs and Defendants Verizon Communications Inc., Verizon Washington, DC Inc. (improperly named in the Amended Complaint as “Verizon Washington, D.C. Inc.”), Verizon South Inc. (improperly named in the Amended Complaint as “Verizon South Inc. (Virginia)”), Verizon Pennsylvania Inc., Verizon Delaware LLC (improperly named in the Amended Complaint as “Verizon Delaware Inc.”), Verizon New England Inc., Verizon New Jersey Inc., Verizon Select Services Inc., Verizon Teleproducts Corp., Verizon Connected Solutions Inc., Verizon New York Inc., Empire City Subway Company (Limited), Verizon Maryland Inc., Verizon Virginia Inc., Verizon West Virginia Inc., Verizon Services Corp., Verizon Corporate Services Corp. and Verizon Avenue Corp. (d/b/a Verizon Enhanced Communities), through their respective counsel, subject to the Court’s approval, hereby stipulate and agree as follows:

1. Plaintiffs will not reference, use or submit as evidence the denial of any FMLA leave requests made by plaintiffs except those incidents specifically recited in the First Amended Complaint, in support of any motion to certify a class action under Federal Rule of Civil Procedure 23 or otherwise.

2. Plaintiffs also will not reference, use or submit as evidence in support of any class certification motion the denial of any FMLA leave requests associated with named plaintiffs who withdrew from this action prior to the close of class-related discovery.

3. The following Plaintiffs, who did not appear for duly noticed depositions, hereby withdraw from this lawsuit: Luciano Abbatiello; Denise Lopez; Latonia Epperson; Adraine Whitney; Mindy Vega; Damian Parra; Alyson Bradley; Steve Acierno; Kelly Lee; Charles Brady and Tammi Terrell (collectively, the “Withdrawing Plaintiffs”). The Withdrawing Plaintiffs are no longer parties to this litigation and may not pursue the claims pled in the Amended Complaint against Defendants as putative class representatives at any time. Plaintiffs may not rely on the

allegations in the Amended Complaint related to such Withdrawing Plaintiffs as evidence in support of any motion for class certification, on the merits of the other Plaintiffs' claims or otherwise. In the event that a class is certified, liability found and any relief ordered by the Court, the parties reserve all rights and arguments regarding whether the Withdrawing Plaintiffs may participate in such relief as class members. In no event, however, may the Withdrawing Plaintiffs rejoin the lawsuit in the capacity of named plaintiffs or class representatives even if a class is certified.

4. Pursuant to Federal Rule of Civil Procedure 10, the caption in this action is hereby amended as follows to reflect the withdrawal of the eleven aforementioned Withdrawing Plaintiffs, as well as a change in the name of Plaintiff Mary Martini (now Mary Giorgi), and the Clerk of Court is hereby directed to amend the docket in this case accordingly:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
THOMAS OAKLEY, RON ADDEO, THOMAS :
BARRY, MARCEL CABRERA, JOSEPH CARBALLO, :
MATTHEW CHRISTIE, LAUREN COLCLOUGH, :
AILEEN CORNIELLE, MIKE DOWD, PAUL DUNN, :
JULIET FOUNTAIN, GAVIN FRATER, BRENDA :
FRITCHY, NILSA GREENE, ADRIANE :
GRZYBOWSKI, ELAINE HENDERSON, GEORGE :
HOLMAN, KEVIN KAER, JEFFREY LEROY, :
ANGELA LUCAS, MARY GIORGI, CHRISTOPHER :
MCCARTHY, DENNIS MCGEE, NOEL MELENDEZ, ED :
MIDDENDORF, DEBBIE MONROE, LAURA NUSS, :
RAY PEAY, KIMBERLY PEREIRA, MICHELLE PROCK, :
PAM REINHEIMER, DAISY RIVERA, ANTHONY :
SICURANZO, MARCHELLE SMITH, CHARLES :
SPINALE, JAMES TREADWAY, LORRIS WATSON, :
and JUDITH WHIGHAM, individually and on behalf of all :
others similarly situated, :

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Plaintiffs,

v.

VERIZON COMMUNICATIONS INC., VERIZON :
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VERIZON DELAWARE LLC, VERIZON AVENUE CORP.:
(D/B/A VERIZON ENHANCED COMMUNITIES), :
VERIZON PENNSYLVANIA INC., VERIZON NEW :
ENGLAND INC., VERIZON NEW JERSEY INC., :
VERIZON SELECT SERVICES INC., VERIZON :
TELEPRODUCTS CORP., VERIZON CONNECTED :
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CITY SUBWAY COMPANY (LIMITED), VERIZON :
MARYLAND INC., VERIZON VIRGINIA INC., :
VERIZON WEST VIRGINIA INC., VERIZON SERVICES :
CORP., VERIZON CORPORATE SERVICES CORP., :

Defendants.

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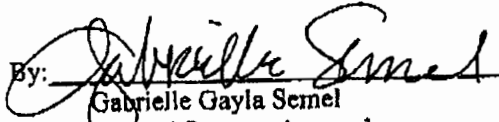
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LEWIS CLIFTON

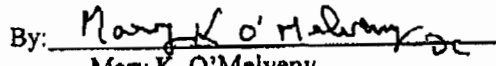
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Dated: New York, New York
May __, 2011

SEMEL, YOUNG & NORUM

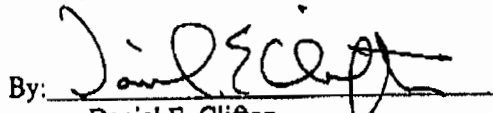
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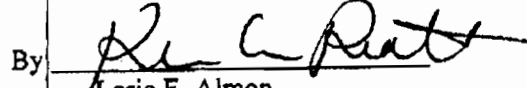
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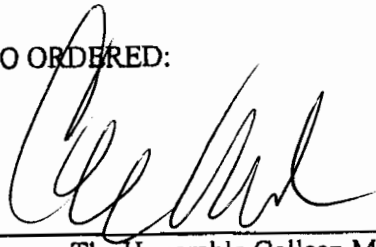
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Verizon Select Services Inc.
Verizon Teleproducts Corp.
Verizon Connected Solutions Inc.
Verizon New York Inc.
Empire City Subway Company
(Limited)
Verizon Maryland Inc.
Verizon Virginia Inc.
Verizon West Virginia Inc.
Verizon Services Corp.
Verizon Corporate Services Corp. and
Verizon Avenue Corp. (d/b/a Verizon
Enhanced Communities)

SO ORDERED:



The Honorable Colleen McMahon
United States District Judge

Dated: New York, New York
~~May~~ June, 2011

June 22, 2011

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